

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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|---------------------------------|---|------------------------|
| UNITED STATES OF AMERICA | : | CRIMINAL ACTION |
| | : | NO. 05-62-01 |
| v. | : | |
| | : | CIVIL ACTION |
| JOHN NIGRO | : | NO. 08-1987 |
| | : | |

ORDER

AND NOW, this 2nd day of July, 2009, upon consideration of John Nigro's *pro se* Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody pursuant to 28 U.S.C. § 2255 (Document No. 117, filed April 28, 2008); Nigro's *pro se* Memorandum of Law and Amplification of Claims in Support of Petition for Writ of Habeas Corpus (Document No. 128, filed October 7, 2008); Government's Response to Petitioner's Motion Under 28 U.S.C. § 2255 (Document No. 134, filed February 17, 2009); Nigro's counseled Supplemental Memorandum (Document No. 141, filed June 3, 2009); Government's Response to Petitioner's Supplemental Memorandum Under 28 U.S.C. § 2255 (Document No. 142, filed June 18, 2009); the Hearing on Claim M in the Motion held on June 18, 2009; and oral argument on Claim M and other issues raised in the Motion on June 18, 2009, **IT IS ORDERED** that, for the reasons stated in the Memorandum of July 2, 2009, John Nigro's Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody pursuant to 28 U.S.C. § 2255 is **DENIED**.

IT IS FURTHERED ORDERED that a certificate of appealability will not issue on the ground that petitioner has not made a substantial showing of a denial of a constitutional right as required under 28 U.S.C. § 2253(c)(2).

BY THE COURT:

/s/ Hon. Jan E. DuBois

JAN E. DUBOIS, J.